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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,866	09/29/2000	Jung-Hsiang Hu	00AB192	9360

7590   04/07/2004

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EXAMINER
BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
2173	5

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/675,866	HU ET AL.
	Examiner	**Art Unit**
	X L Bautista	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-18 and 26-30 have been considered but are moot in view of the new ground(s) of rejection.

2.   Applicant's arguments, see paper #4, filed 1/12/04, with respect to the rejection(s)of claim(s) 19 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Halstead/Tonelli.

A.   Applicant argues (page 10, lines 17-26; page 11, lines 1-12) that "Okudaira...does not define logical groupings of the...images...but instead detects a fixed number (N) of images stored in a computer folder selected by the user...it is clear that number of thumbnails displayed does not change as the size of the viewing area changes..."

In response, Okudaira teaches that upon expansion or reduction the aspect ration of the thumbnail regions 112 does not vary. Further, upon expansion, the number of thumbnail images to be displayed at a time decreases from N (col. 8, lines 64-67).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

4.   **Claims 1-4, 6, and 10-13 are rejected under 35 U.S.C. 102(e) as being**

anticipated by *Halstead Jr. et al* (US 6,667,750 B1).

Claim 1:

Halstead discloses a method and system for processing of graphical objects

to layout the graphical objects. Halstead teaches displaying an image on a

computer monitor in a display area having a first dimension and a second dimension

(height and width), and an image having a third and a fourth dimension (height and

width), the third and the fourth dimension defining an aspect ratio, the image being

displayed in logical groupings of elements viewable in the image; adjusting the first

dimension only of the display area; and rescaling the third dimension and the fourth

dimension based upon the adjustment to the first dimension to maintain an aspect

ratio between the third and fourth dimensions (abstract; col. 1, lines 54-67; col. 2,

lines 1-9; col. 3, lines 1-26; col. 4, lines 6-28; col. 18, lines 31-51; col. 25, lines

6-23).

Claims 2-4, 6, and 11-13:

See claim 1. Halstead teaches adjusting a second dimension of the display

area and adjusting the image by changing a number of logical groupings viewable in

the image (abstract; col. 1, lines 54-67; col. 2, lines 1-9; col. 3, lines 1-26; col. 4,

lines 6-28; col. 18, lines 31-51; col. 25, lines 6-23).

Claim 10:

See claim 2. Halstead teaches defining logical groupings of elements

viewable in the display; displaying the image within the display area having first

height and width dimensions, the image having second height and width dimension

to maintain the aspect ration of the image (abstract; col. 1, lines 54-67; col. 2,

lines 1-9; col. 3, lines 1-26; col. 4, lines 6-28; col. 18, lines 31-51; col. 25, lines

6-23).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   **Claims 5, 14-18, and 26-30 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over *Halstead* and *Okudaira* (US 6,400,375 B1).

Claim 5:

Halstead does not teach that adjustments to dimensions of the display area

are made via a virtual tool actuable by an operator. However, Okudaira teaches a

virtual tool operated by a user to make adjustments to dimensions of the display

area (fig. 10; col. 7, lines 16-22, 25-29, 46-55). Therefore, it would have been

obvious to one ordinarily skilled in the art at the time the invention was made to

modify Halstead's user interface by including Okudaira's virtual tool because the

user is enabled to input a set value of the aspect ratio of the image regions.

Claims 14 and 15:

Halstead does not teach that the display snaps to a new number of logical

groupings upon changes in the number of logical groupings displayed. However,

Okudaira teaches adjusting the dimension of the display area and adjusting the

image by changing a number of logical groupings viewable in the image (col. 7,

lines 25-67; col. 8, lines 1-67). Thus, it would have been obvious to a person

having ordinary skill in the art at the time of invention to modify Halstead's method

of processing a layout of graphical objects to include Okudaira's teaching of

displaying a new number of logical groupings upon changes in the number of

logical groupings being displayed because users are always provided with whole

images.

Claims 16 and 17:

See claim 14. Okudaira teaches defining logical groupings of elements

viewable in the display; an image comprising a predetermined number of logical

groupings, and wherein less than the predetermined number of logical groupings is

displayed in the image viewable by the user; the number of logical groupings is

displayed in accordance with the dimensions of the display area and the aspect

ratio (col. 7, lines 25-59; col. 8, lines 1-67).

Claims 18 and 29:

Okudaira teaches a scroll bar for allowing different sets of logical groupings

to be displayed (fig. 10).

Claims 26 and 30:

See claims 1 and 5. Halstead does not teach a virtual tool for adjusting the

first and second dimensions. However, Okudaira teaches a display control section

104, an aspect ratio button 122, an aspect ration setting window, a zoom bar 123,

for adjusting the height and width of the images, and an image management

window corner 125 for adjusting the size of the image management window 121

(first and second dimensions).

Claims 27-28:

See claim 26. Okudaira teaches elements displayed only by whole

groupings, this number being changed upon changes in the dimensions of the

display area (fig. 10; col. 1, lines 47-57; col. 7, lines 40-45; col. 8, lines 55-57).

7.   **Claims 7-9 and 19-25 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Halstead in view of Tonelli et al (US 6,229,540 B1).

Claims 7-9:

Halstead teaches logical groupings aligned with a first dimension of the

display area. Halstead does not teach an image that represents a physical system

and groupings representing components positioned within the physical system.

However, Tonelli discloses a method for designing networks having a network

design sheet including components representing device objects connected to one

another and to a workstation via a data network. Tonelli teaches that images are

designed based upon data collected from the components (abstract; col. 2, lines

27-59; col. 8, lines 20-56). Therefore, it would have been obvious to one

ordinarily skilled in the art at the time the invention was made to modify Halstead's

method of processing a layout of graphical objects to include Tonelli's method of

displaying images representing a physical system because users are provided with

images representing components of a system that gather data from the

components, and are enabled to access this information and to change the size of

the display and the images when needed.

Claim 19:

See claims 1 and 7. Halstead does not teach acquiring data from

components of a physical system via a data network. However, Tonelli teaches a

network design sheet including components representing device objects connected

to one another and to a workstation via a data network. Tonelli teaches images

designed based upon data collected from physical components (Halstead: abstract;

col. 1, lines 54-67; col. 2, lines 1-9; col. 3, lines 1-26; col. 4, lines 6-28; col. 18,

lines 31-51; col. 25, lines 6-23; Tonelli: abstract; col. 2, lines 27-59; col. 8, lines

20-56).

Claims 20-22:

See claim 1. Halstead teaches adjusting a second dimension of the display

area and adjusting the image by changing a number of logical groupings viewable in

the image (abstract; col. 1, lines 54-67; col. 2, lines 1-9; col. 3, lines 1-26; col. 4,

lines 6-28; col. 18, lines 31-51; col. 25, lines 6-23).

Claim 23:

See claim 2. Halstead teaches displaying objects within a display area having first height and width dimensions, the image having second height and width dimension to maintain the aspect ration of the image (abstract; col. 1, lines 54-67; col. 2, lines 1-9; col. 3, lines 1-26; col. 4, lines 6-28; col. 18, lines 31-51; col. 25, lines 6-23).

Claims 24 and 25:

See claim 7. Okudaira does not teach descriptive indicia displayed in the image for identifying the components. However, Tonelli teaches descriptive indicia to identify components of the network (figs. 2, 11) and status indicia in the image based upon the data (fig. 2, element 32; col. 9, lines 18-31).
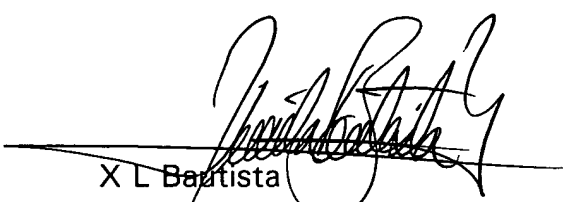
Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The

fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

10.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X L Bautista
Patent Examiner
Art Unit 2173

xlb
April 2, 2004